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**Finkelstein, Blankinship,
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One North Broadway, Suite 900

Application granted. The redacted document (Doc. 426) shall remain the publicly-filed version, and the unredacted version (Doc. 427) shall remain under seal.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
June 18, 2024

BY ECF

Hon. Philip M. Halpern
United States District Judge
The Hon. Charles L. BRIANT Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: Lowell, et al. v. Lyft, Inc., No. 7:17-cv-06251-PMH-AEK (S.D.N.Y.)

Dear Judge Halpern,

Pursuant to this Court's Stipulated Protective and Confidentiality Order dated May 24, 2019, ECF No. 67 ("Protective Order"), Harriet Lowell and Westchester Disabled On The Move, Inc. (collectively "Plaintiffs") respectfully move for leave to file under seal documents that Defendant Lyft, Inc. ("Lyft" or "Defendant") designated as confidential.

In compliance with the Southern District of New York's Electronic Case Filing Rules & Instructions § 6 ("ECF Rules"), the Protective Order outlines the procedures for filing under seal:

In filing Protected Material with this Court, or filing portions of any pleadings, motions, or other papers that disclose such Protected Material ("Confidential Court Submission"), the Parties shall publicly file a redacted copy of the Confidential Court Submission via the Electronic Case Filing System. The parties shall file an unredacted copy of the Confidential Court Submission under seal with the Clerk of this Court, and the Parties shall serve this Court and opposing counsel with unredacted courtesy copies of the Confidential Court Submission.

Protective Order ¶ 15.

Plaintiffs respectfully request that various documents that Lyft designated as confidential be filed under seal.¹ Plaintiffs also request that references to those documents and their contents be

¹ Plaintiffs are filing this motion in line with Lyft's pre-trial confidentiality designation of exhibits. *See* Defendant's Pre-Trial Confidentiality Designations (attached as Ex. 1). The Parties are still conferring about the use at trial of information that the Lyft has designated as confidential.

The information that Lyft has designated as confidential is more than three years old and therefore of limited commercial significance. Moreover, much of that "confidential" information has been made public in other forms. As one example, at trial Plaintiffs will elicit testimony reflecting Lyft's "confidential" data that shows that eliminating the Toggle resulted in a dramatic increase in WAV rides in New York City. The relevant data regarding the Toggle is from 2019; similar data is publicly available (Plaintiffs rely on data produced in this litigation, but regulators have made the same data public); and the data to which Plaintiffs cite has already been the subject of public testimony.

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redacted from Plaintiffs' Pretrial Memorandum. This request is narrowly tailored to cover only the relevant documents or testimony that Defendant has designated as confidential, quotations of those documents or testimony, or references to the substance of those documents or testimony.

Based on the foregoing, Plaintiffs respectfully request that: (i) their Motion for Leave to File Under Seal be granted; (ii) the redacted versions of Plaintiffs' Pretrial Memorandum electronically filed on June 17, 2024, be accepted as the public version of this filing; and (iii) that the Court grant Plaintiffs leave to file un-redacted versions of the same under seal.

Dated: June 17, 2024

Respectfully submitted,

/s/ Jeremiah Frei-Pearson

Jeremiah Frei-Pearson

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Plaintiffs have no objection to limiting the display of data Defendant deemed confidential or to redacting that data in the transcript and public record. However, Plaintiffs are not amenable to Defendant's proposal that they be required to minimize references to "confidential" information in public witness testimony. Also, none of the information is sufficiently confidential to warrant nonpublic testimony.